

Reconsideration and Amendment
Serial No. 10/789,217

Docket No. 5000-1-446

REMARKS

Reconsideration and withdrawal of all grounds of rejection in the Office Action, and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-12 are pending herein.

At the outset, Applicant notes with appreciation the indication in the Office Action that claims 3, 4, 6-9 and 12 recite allowable subject matter. Applicant has amended claims 3, 4 and 12 into independent form including all the recitations in respective base claims 1 and 10.

Claims 1 and 10 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Shen *et al.* (US 2002/0039211) ("Shen"). Claims 2 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Shen as applied to claim 1, and further in view of Bellisio (U.S. 4,015,083). Claim 5 stands rejected under 35 U.S.C. § 103(a) over Shen and Bellisio and further in view of Shimizu *et al.* (U.S. 5,524,103) ("Shimizu"). Applicant respectfully traverses all grounds of rejection for the reasons indicated herein below.

Claim 1 has been amended to recite that wherein the transmitted data received by said clock and recovery section does not require a clock component; support for this amendment is clearly found in the specification at page 8, lines 10-15. Claim 10,

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which is a method claim, has been similarly amended as claim 1.

One of the advantages of the claimed invention is that even if a signal is received without a clock component, a clock signal may still be recovered from the data. One way this may be accomplished is converting the data into a signal including a clock component by a converter. This may be accomplished in a number of ways, an example of which is to use the bit rate of the signal (specification at page 8, lines 10-15).

Applicant respectfully submits that Shen fails to disclose or suggest claims 1 or 10, particularly as amended, at least for the failure to disclose the aforementioned amendment to claims 1 and 10.

According to the United States Court of Appeals for the Federal Circuit, a claim is anticipated only if a single prior art reference sets forth each and every feature recited in a claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP 2131).

Thus, Shen does not anticipate any of the pending claims as this reference does not disclose that a clock signal can be recovered from transmitted data, wherein the transmitted data does not require a clock component.

Moreover, a person of ordinary skill in the art would not have found either of claims 1 or 10 obvious in view of Shen, as this reference provides no teaching, suggestion, motivation, nor are the combination of elements in the claims within the level of ordinary

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skill in the art.

The other claims in this application are each dependent from one of independent claims 1 or 10, and at least for the reasons discussed above, are therefore believed patentable. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

With regard to the rejections under 35 U.S.C. §103(a), as these claims are dependent from one of claims 1 or 10 as well, these rejected claims are also believed to be allowable at least for dependence from an allowable base claim. Also, claims 2, 5 and 11 are allowable because of a separate basis for patentability. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all grounds of rejection in the Office Action have been overcome. A Notice of Allowance is respectfully requested.

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Should the Examiner deem that there are any issues which may be best resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,

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